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PATENT
Docket No.: 018891-004310US
Client Ref. No.: 1000-00212US

TOWNSEND and TOWNSEND and CREW LLP

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter D. Senter et al.

Application No.: 10/522,911

Filed: July 7, 2005

For: DRUG CONJUGATES AND
THEIR USE FOR TREATING CANCER,
AN AUTOIMMUNE DISEASE OR AN
INFECTIOUS DISEASE

Customer No.: 51535

Confirmation No.: 7034

Examiner: Christina Bradley

Art Unit: 1654

COMMENTS ON STATEMENT
FOR REASONS FOR
ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In response to the Notice of Allowance mailed September 25, 2009,
Applicants provide the following remarks on the Examiner's Reasons for Allowance and
respectfully request their entry.

REMARKS

In the statement of the Reasons for Allowance, the Examiner set forth that
“the information disclosure statement is being considered by the examiner.” Applicants
note that the Examiner considered the Information Disclosure Statement of June 8, 2009
on September 15, 2009.

In the statement of the Reasons for Allowance, the Examiner also set forth that the "provisional rejection of claims 1, 7, 9, 17, 18, 20, 21, 27, 29, 30, 54, 56, 63, 66, 77, 79, 111, 119, 121, 124-128 and 130-132 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 12/016,978 in view of Dubowchik *et al.* (Cathepsin B-Sensitive Dipeptide Prodrugs. 2. Models Of Anticancer Drugs Paclitaxel (Taxol®), Mitomycin C and Doxorubicin," *Bioorganic & Medicinal Chemistry Letters*, 1998, 8, 3347-52) and Blatter *et al.* (US 4,764,368) is withdrawn because the instant claims are earlier filed and the claims of copending Application No. 12/016,978 are not allowed."

In order to clarify the record, Applicants note that the pending claims of copending Application No. 12/016,978 have the same effective filing date of July 31, 2002 as the present application, because copending Application No. 12/016,978 and the present application share U.S. Provisional Patent Application No. 60/400,403 as a common priority document. The provisional rejection of claims 1, 7, 9, 17, 18, 20, 21, 27, 29, 30, 54, 56, 63, 66, 77, 79, 111, 119, 121, 124-128 and 130-132 over claims 1-19 of copending Application No. 12/016,978 was properly withdrawn.

Respectfully submitted,



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